

**DRAFT RECOMMENDATIONS FOR MODERNIZING
TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES
CHAPTER 4. STATE EMERGENCY **TELEPHONE** SYSTEM**

CHAPTER 4. STATE EMERGENCY **TELECOMMUNICATIONS SYSTEMS**

Introductory Purpose

WHEREAS, it is a necessity and the public policy of the state to promote and encourage planning and development of emergency telecommunications systems in the state to provide for the safety of its citizens and the protection of public and private property; and

WHEREAS, the legislature recognizes consistency and continuity in the development of emergency telecommunications systems is essential to the protection of public and private property and the safety of Montana's citizen's.

Definitions

New critical definitions include:

"Emergency communications" means the transmission of voice, video, or electronic data involving the safety of human life and protection of property from one device to another.

"Emergency telecommunications systems" means any telecommunications facilities, circuits, equipment, device, software, and associated contracted services for the transmission of emergency communications. Emergency telecommunications systems include 9-1-1 systems for the transmission of emergency communications from persons requesting emergency services to a public safety answering point and telecommunications systems for the transmission of emergency communications to and from a public safety answering point to and from emergency service units.

"Local government" has the same definition as in 7-11-1002.

A "9-1-1 district" means a special district, provided for in 7-11-1002 that is created by a combination of local governments acting together according to an interlocal agreement to plan, deploy, operate, and maintain emergency telecommunications systems.

"Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a local or tribal government or 9-1-1 district according to the most recent decennial census compiled by the United States bureau of the census.

"Telecommunications" means the electronic transmission of information between two or more entities.

"Telecommunications provider" means a private business that provides voice or data transmission services.

"Tribal government" means any one of the seven federally recognized tribal governments of Montana and the Little Shell band of Chippewa Indians.

Emergency telecommunications systems board -- membership -- allocation

- (1) There is a state emergency telecommunications systems board;
- (2) The board consists of 13 members appointed by the governor as follows:
 - (a) A representative of the Department of Administration, State Information Technology Services Division;
 - (b) A representative of the Department of Military Affairs, Disaster and Emergency Services Division;
 - (c) A representative of the Department of Justice, Montana Highway Patrol;
 - (d) The State Director of Indian Affairs;
 - (e) 9 public members to include representatives of local and tribal governments, law enforcement, fire protection, emergency medical service providers, public safety communications officials, and private telecommunications providers;
- (3) The board is allocated to the department of administration for administrative purposes only as provided in 2-15-121; and
- (4) The governor shall appoint a presiding officer of the board.

Emergency telecommunications systems board -- duties and responsibilities

(1) The board shall:

- (a) Establish and maintain a statewide strategic plan for emergency telecommunications systems;
- (b) Establish and encourage compliance with statewide emergency telecommunications system and equipment requirements and standards;
- (c) Oversee and administer the emergency telecommunications systems program, which includes:
 - (i) Review and approval of private telecommunications provider cost recovery requests and local and tribal government and 9-1-1 district plans for emergency telecommunications systems;
 - (ii) Review and approval of the distribution of funding to an eligible private telecommunications provider, local and tribal government and 9-1-1 district for eligible uses; and
 - (iii) Monitor implementation of approved local and tribal government and 9-1-1 district plans for emergency telecommunications systems for compliance with the plan and approved use of distributed program funding
- (d) Advise the governor on significant matters concerning emergency telecommunications systems development in the state of Montana; and
- (e) Report to the Legislature on the status of emergency telecommunications systems in Montana.

Rulemaking authority

The emergency telecommunications systems board shall adopt administrative rules to implement the provisions of this chapter, including but not limited to:

- (1) Establishing eligibility to receive program funding including:
 - (a) for a private telecommunications provider to request cost recovery for providing emergency telecommunications services; and
 - (b) for a local and tribal government and 9-1-1 district to receive quarterly distributions of program funds;
- (2) Establishing allocation, and distribution procedures for the emergency telecommunications systems program funding;
- (3) Establishing the types of uses of funds available under the emergency telecommunications systems program, including:

- (a) Allowable costs for a private telecommunications provider that request cost recovery for providing emergency telecommunications services;
- (b) Eligible uses of program funds by a local and tribal government and 9-1-1 district that include:
 - (i) Emergency telecommunications systems plan;
 - (ii) Purchase of emergency telecommunications systems, equipment, devices and data; and
 - (iii) Purchase of services that support emergency telecommunications systems;
- (4) Establishing post award and disbursement activities to monitor the status of emergency telecommunications systems plans and the use of program funding by a local or tribal government or 9-1-1 district, including:
 - (a) Any reporting requirements; and
 - (b) Procedures for repayment of any funds disbursed to a local or tribal government or 9-1-1 district, upon failure to implement an approved plan or expend program funding for approved uses.

Department of administration duties and powers -- emergency telecommunications systems

The department shall:

- (1) Staff and fund the administrative costs of the emergency telecommunications systems board;
- (2) Distribute funding that is awarded and approved by the emergency telecommunications systems board; and
- (3) Apply for, accept, and administer grants from the federal government or other public or private sources to accomplish the objectives of this part.

Fees imposed for emergency telecommunications services

- (1) For emergency telecommunications services provided by private telecommunications providers, a fee of 25 cents a month per access line or subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other emergency telecommunications accessible services and
- (2) For emergency telecommunications systems provided by local and tribal governments, and 9-1-1 districts, a fee of 75 cents a month per access line or

subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other emergency telecommunications accessible services.

Establishment of emergency telecommunications systems accounts

(1) There are established in the state special revenue fund in the state treasury:

(a) An account for all fees collected for emergency telecommunications services provided by private providers;

- (i) The funds in the account are statutorily appropriated, as provided in 17-7-502, to the department. The funds deposited in the account that are not used for administrative expenses must be allocated for distribution to local governments, tribal governments, and 9-1-1 districts to be used for emergency telecommunications systems; and
- (ii) Interest earned on the account must be deposited in the emergency telecommunications systems program administrative account.

(b) An account for all fees collected for local or tribal governments or 9-1-1 districts emergency telecommunications systems;

- (i) The funds in the account are statutorily appropriated, as provided in 17-7-502, to the department. The funds deposited in the account that are not used for administrative expenses must be allocated for distribution to local governments, tribal governments, and 9-1-1 districts to be used for emergency telecommunications systems; and
- (ii) Interest earned on the account must be deposited in the emergency telecommunications systems program administrative account.

(c) An account for emergency telecommunications systems program administration into which must be deposited:

- (i) Grants, donations, and private or public income;
- (ii) All interest earned on money in the account and interest earned on money in the accounts provided for in subsection (1)(a) and (1)(b);
- (iii) Money in the account may be transferred to an account provided for in subsection (1)(a) or (1)(b) or be used to pay the costs of the program, including personnel, travel, equipment, supplies, professional services costs, and other operating expenses of the program; and

- (iv) Interest earned on the account must be deposited and/or retained in the account.

Distribution of the private providers emergency telecommunications systems account by the department

(1) The department shall make quarterly payments to reimburse private telecommunications providers for approved costs incurred in providing emergency telecommunications services.

Distribution of the local or tribal governments or 9-1-1 districts emergency telecommunications systems account by the department

(1) The department shall make quarterly distributions of the entire account. The distributions must be used to support the activities and expenses that are included in a local or tribal government or 9-1-1 district approved emergency telecommunications systems plan.

- (a) Each local or tribal government or 9-1-1 district that has an emergency telecommunications systems plan approved by the board shall receive an allocation of the total quarterly balance of the account.

- (b) The department shall allocate the total quarterly ending balance of the account to each local and tribal government and 9-1-1 district that has an approved emergency telecommunications plan as follows:

- (i) An amount equal to 1% of the total quarterly ending balance of the account; and

- (ii) The remaining balance of the account shall be allocated on a per capita basis.

(2) If the board through its monitoring process determines that a local or tribal government or 9-1-1 district is not adhering to an approved plan, is not using funds in the manner approved by the board, or has failed to provide information requested by the board, the board may suspend quarterly distributions to the local or tribal government or 9-1-1 district. The local or tribal government or 9-1-1 district is not eligible to receive funds until the board determines that the local or tribal government or 9-1-1 district is complying with the approved plan and fund usage limitations or has provided the requested information.